

DEATH SENTENCE AFFIRMED

Supreme Court Declares William Rhea Must Hang April 25. TO AVENGE MURDER OF HERMAN ZAHN

When Sentence is Fulfilled this Will Be the First Execution at the Penitentiary Under the New Law.

(From a Staff Correspondent.) LINCOLN, Jan. 8.—(Special Telegram.)—The supreme court tonight handed down a decision affirming the death sentence of William Rhea for the murder of Herman Zahn in Snyder, Neb., and an adjournment of the execution until April 25 as the day of execution.

Judge Holcomb's Review of Case. In summing up the case Judge Holcomb says: "The paramount facts in the case as disclosed by the record essential to establish the crime charged are, in our judgment, fully established by the evidence. Briefly the main features of the transactions resulting in the homicide, as shown by the evidence, are in substance the following: "The three defendants charged jointly with the commission of the crime came to the village of Snyder, in Dodge county, in the afternoon of January 4, 1920. They were strangers to the citizens in that vicinity. They remained during the afternoon and evening, until about 8:30 or 9 p. m., when the homicide was committed.

Scene in the Saloon. In a short period of time thereafter Orley and one Schneider passed from the saloon of the deceased to the sidewalk in front, where they found the defendant standing with his two companions. Without other words and almost immediately after Orley and the party mentioned had reached the sidewalk in passing out of the saloon one of the defendants, Gardner by name, asked Orley, as testified to by him, "What are we rubber neckin' at him for, and said, "Do you think we are fat crows?" Orley answered, saying, "I ain't rubber neckin' nothin'." The defendant Rhea then moved as if to go behind Orley, who told him not to get behind him, as he did not allow anybody to get behind him. Just then defendant Rhea pulled his gun or revolver and told Orley to get. This is the only evidence that any possibility could be regarded as proof of any brawl, quarrel or dispute, prior to the homicide. Orley and Schneider retreated hastily into the saloon and passed hurriedly to the rear door, through which they left the building. In going from the saloon to the rear door Orley passed by the deceased, who was sitting at a card table near the center of the room, which was forty or fifty feet in length, and passed only long enough to say in a moderate tone of voice, "Those fellows out there have guns, or some such similar remark. At the same time and closely following Orley and Schneider from the sidewalk into the saloon the defendants Rhea and Gardner entered through the front door with their revolvers drawn and with the command to throw up hands to those within the building, of whom there were fifteen or twenty. No resistance was offered by any and many escaped through the rear door.

Shot Without Provocation. "Zahn, the deceased, arose from his chair, near the center of the room, and with his hands raised started toward the defendant, intending to say, "No shooting in here," or, "Don't shoot in here," and before completing the sentence he was fatally shot in the abdomen by the defendant Rhea. He expired in about an hour thereafter. "It is further shown by the evidence that after the shooting the defendant went to the deceased, kicking him and saying, "You are not much hurt, or words to that effect. Gardner immediately succeeding the shooting, began to pace from the front to the center of the room and back again, brandishing his revolver at those within the building and terrorizing them with the purpose of preventing resistance or interference with their plans. Defendant Rhea passed behind the bar of the saloon, or counter, threw down the cash register, broke it open and also broke into what was apparently the money drawer in an iron safe in the building. During the time the defendant also came from behind the bar and searched the pockets of the deceased.

After the events narrated had transpired the three defendants left the building and, passing down the alley by its side, escaped to the eastward. The homicide was of the most aggravated character and apparently the most atrocious circumstances. The defendants were seemingly bent on mischief of the most atrocious character. They proceeded to the business with a most reckless disregard of life, a cool determination and desperation seldom displayed in the annals of crime. They were obviously bent on violence and boldly set at defiance of the law and the rights of the individual to secure in his person and property.

Find Stranger in Parlor. WAHOO, Neb., Jan. 8.—(Special.)—When Mr. and Mrs. Charles Perky returned from an entertainment at the opera house last night they were surprised to find a stranger making himself at home in the parlor. The doors were all securely locked and were in that condition when they returned in the evening. When accosted by Mr. Perky as to what business he had there, Mr. Perky received an insulting reply, whereupon the intruder received chastisement at the hands of Perky. The man's name is R. Dore and is said to live near Davy, in Lancaster county. He was put in the lockup.

Foot Crushed in Hay Press. PAVILLION, Neb., Jan. 8.—(Special.)—Judd Gates, a farmer near Gilmore, had a foot crushed in a hay press. At first it was thought that several bones were broken, but after examination the bones were found to be whole, and his foot can be saved. Gates was crowding the hay down with his foot when it caught and the team did not stop in time to prevent the accident.

Doctor Must Answer Forgery Charges. NEBRASKA CITY, Neb., Jan. 8.—(Special Telegram.)—Dr. Frank McQuaid, who was arrested in Omaha upon a charge of forgery, was brought to Nebraska City last night and lodged in the county jail. He will be given a hearing Monday.

MINING IN THE BLACK HILLS

Imperial Mining and Milling Company Says Rositter Tallies. DISCARDED ONE CONTAINS GOOD VALUES

Modern Methods Extract More Than Four Dollars Per Ton that Escaped Former Cyanide Attacks. DEADWOOD, S. D., Jan. 8.—(Special.)—The Imperial Mining and Milling Company has purchased the tailings at the Rositter cyanide plant in Deadwood and will run them at the company's new cyanide plant, which is being completed at Deadwood. There are several thousand tons of the tailings, which have been carefully sampled by the Imperial company. The plant contains more than \$4 a ton in values that escaped the solution during the operation of the Rositter mill. It will be only a short haul to the Imperial plant and the company will be able to handle the tailings at a nominal expense.

Real Estate Convention. Deputy Labor Commissioner Watson says there is widespread interest over the state in the forthcoming convention of Nebraska real estate dealers. One of the features of the convention, he said today, will be an exhibit of the products of the various sections. The dealers will prepare the exhibit at their own expense. The following communication was received today from W. G. Shriver, secretary of the Omaha Real Estate exchange: "The exchange will certainly do all in its power to make this gathering a success. As you requested, the president of the exchange has appointed John S. Knox and G. C. Wallace to represent it on the program. If nothing happens you can count on good attendance from our exchange and Omaha. The matter will be brought up at our regular meeting on Wednesday. The exchange will doubtless appoint a committee to make suggestions and do anything that is possible to make the convention interesting as well as successful. Anything that you suggest will be gladly done as far as we are able."

Supreme Court Opinions. Opinions of interest to people of Omaha and the state at large are as follows: Karbach against Fogel, reversed; Kara against State ex rel. school district No. 1, Sarpy county, affirmed; South Omaha Loan and building association, affirmed; State ex rel. Green against Foster, reversed; Omaha Brewing association against Tillenberg, affirmed; Marsh against State ex rel. North, affirmed; State ex rel. Thompson against Still, writ denied and action dismissed. The case of the Omaha Savings bank against the City of Omaha was advanced for hearing at the September term.

School Fund Increases. The permanent school fund was increased \$1,428.27 today, the payment of that amount as the sum returned from the sale of the estate of John Stanley, an Englishman, who died intestate in South Dakota in 1892. He owned considerable property in York county, but so far as known executed no will and no heirs. After a ten years' search for heirs of the deceased the property in York county was sold and after the payment of necessary expenses there was a left balance of \$1,428.27. Under the constitution of Nebraska the money belongs to the permanent school fund. J. W. Purinton was administrator of the estate and today he wound up its affairs by paying the balance into the state treasury.

Salary of County Superintendent. An error in the printed communication has made it appear that Superintendent Fowler rules that it was not the intention of the legislature to limit the salary of county superintendents to the minimum fixed by law. What Mr. Fowler said in the original communication is: "It is evident that it was not the intention of the legislature to regard as proof of any brawl, quarrel or dispute, prior to the homicide. Orley and Schneider retreated hastily into the saloon and passed hurriedly to the rear door, through which they left the building. In going from the saloon to the rear door Orley passed by the deceased, who was sitting at a card table near the center of the room, which was forty or fifty feet in length, and passed only long enough to say in a moderate tone of voice, "Those fellows out there have guns, or some such similar remark. At the same time and closely following Orley and Schneider from the sidewalk into the saloon the defendants Rhea and Gardner entered through the front door with their revolvers drawn and with the command to throw up hands to those within the building, of whom there were fifteen or twenty. No resistance was offered by any and many escaped through the rear door.

Formation Resembles the Homestake. Competent mining men familiar with the Alaska-Treadwell mine, on Douglas island in Alaska, and the Homestake mine in the Black Hills positively assert that this ore can be mined and milled at a cost not to exceed \$1 per ton; that is, the raw ore can be reduced and the values converted into bullion at that figure. The company has a water right about 100 feet wide, extending up Rapid creek a mile or more, the water flowing within seventy-five feet of the mouth of the tunnel; the Burlington railroad track lying between the creek and the mouth of the tunnel. The United States assay office in Deadwood, gave returns of \$2.25 in gold, \$8 of which was free milling. Samples taken from the face lately have been assaying from \$5 to \$8 a ton. This company, whose holdings are situated twenty miles south of the Homestake on the Burlington railroad, has ordered a new plant, consisting of an air compressor, boiler and air drills, to be installed at the new tunnel that is being driven into the hill on a free milling gold vein from sixty to 200 feet wide and to be traced on the surface of the ground for a distance of more than a mile. The tunnel is gaining foot on foot and will continue to do so for over 500 feet. The company has signed a contract by which it is permitted to build a trestle over the Burlington railroad track to convey its ore from the tunnel to a mill of eighty shafts, crushing capacity of which will be 400 tons. This mill is to be erected in the spring.

Puts in Ten Additional Stamps. There has been a change in the directory of the Dakota Mining and Milling company. Seth Bullock, John R. Wilson and Clayton Flower have retired, and have been succeeded by J. M. Rieckel and S. V. Noble of Deadwood and Isaac Clemenson of Dubuque. Mr. Bullock was vice president and Wilson secretary. J. B. Empson, chemist at the company's cyanide plant in Deadwood, has been elected secretary. John Hunter of Deadwood is general manager. The cyanide plant is running steadily, being supplied with ore from the Vulcan, one of the Dakota company's claims near Bald mountain, and some custom ore from the Bordeaux, which is being worked under lease near Terraville. The daily capacity of the plant is about seventy tons. The ore on which it is running shows a value of from \$8 to \$12 heads, and the average extraction is 82 1/2 per cent. It is expected that the ten additional stamps will arrive early this month and be in place by the middle of the month. This will give the mill a crushing capacity of about 110 tons. There has been a long delay in the arrival of the new machinery, owing to the difficulty experienced by several of the steel and iron factories in filling orders.

Abundant Riches at Surface. The Dakota plant has tanks enough to treat 125 tons a day. During the recent favorable weather the company has confined its mining operations to surface work. There is a large body of shale ore lying within a few inches of the surface on the Vulcan and extending across adjoining claims for 2,000 feet. It is 200 feet wide and from eight to twelve feet thick, assaying \$8 a ton on a general average. The common sandstone and quartzite lying right to the ore is highly micaceous, running \$4 a ton and better, and the company hopes ultimately to enlarge its plant sufficiently to take in all this rock, which could be treated at a profit on a large scale. To Operate Deadwood Mine. The officers and principal stockholders in the Recovery Gold Mining company, recently organized in Colorado Springs, Colo.,

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Reduce Passenger Rates. DEADWOOD, S. D., Jan. 8.—(Special.)—The railroads in the Black Hills have put in effect the 4-cent passenger rate, this being a reduction of 1 cent a mile from former rates. The reduction makes a difference of over 11 in the fare from Lead or Deadwood to Hot Springs, Edgemont, Rapid City and other points in the southern part of the Black Hills.

Western Packing Statistics. Heavy Record for Hogs as Compared with Preceding Week and Similar Period Last Year. CINCINNATI, Jan. 8.—(Special Telegram.)—The Price Current says: The total western packing is 620,000, compared with 440,000 the preceding week and 510,000 last year. Since November 1 the total is 6,320,000, against 5,205,000 a year ago. Prominent places compare as follows:

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Geneva Banks Elect Officers. GENEVA, Neb., Jan. 8.—(Special.)—These officers were elected yesterday at the annual meeting of the Geneva banks: Geneva State bank, E. Sandrock, president; Geneva Trust and Savings bank, C. S. Trotter, cashier; Citizens bank, J. O. Walker, president; C. W. Shickley, second vice president; V. C. Cobb, cashier; W. H. Stewart, assistant cashier. Beatrice Woman Adjudged Insane. BEATRICE, Neb., Jan. 8.—(Special Telegram.)—Mrs. M. E. Evans, wife of Captain M. E. Evans, who lives on the West Side, was examined today by the insanity commission and adjudged insane. Sheriff Waddington will take her to Lincoln.

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Wool Soap advertisement with image of a woman washing clothes and text: 'V is for Victory WOOL SOAP has won, and yet its mission is only begun. Use Swift's Pride Soap in the Laundry.'

Brownell Hall advertisement with text: 'Reopens January 6. Second term begins February 3. Instructors, college graduates. Principals' certificate admits to college without examination. Excellent advantages in Music, Art, Modern Languages, Latin and Greek. Thorough work in grade and academic branches. Special attention to physical development. Send for catalogue. Address, MISS MACRAE, PRINCIPAL, OMAHA.'

Sapolio advertisement with text: 'HE THAT WORKS EASILY, WORKS SUCCESSFULLY. CLEAN HOUSE WITH SAPOLIO. It has the endorsement of Leading Physicians.'

Hunter Rye advertisement with image of a bottle and text: 'Her Needs. There has been a great want for a perfectly pure nutrient stimulant for the physical needs of woman, and it has been found in Hunter Rye. It is the standard by prescription for the building up of health.'

Doctoring Free advertisement with text: 'A staff of eminent physicians and surgeons from the British Medical Institute have, at the urgent solicitation of a large number of patients, undertaken their care in this country, established a permanent branch of the Institute in this city, at Corner of 16th and Farnam Streets, Rooms 436-438 Board of Trade Building. These eminent gentlemen have decided to give their services entirely free for these months (October, November and December) who call upon them for treatment between now and January 9. The object in pursuing this course is to become rapidly and personally acquainted with the sick and afflicted, and under conditions will any charge whatever be made for any services rendered for three months to all who call before January 9. Male and female weakness, catarrh of the bladder, deafness, also rupture, gonorrhea, cancer, all skin diseases and all diseases of the rectum are positively cured by their new treatment.'

Not in Nature advertisement with text: 'for anyone to always feel tired. There is no need to drag out an existence without ambition. Weak nerves are responsible for lameness, depression, indigestion, and various ills. Dissolved nerves, whether due to overwork, over-indulgence, or any other cause, can be made strong as steel by the use of Sexine Pills. They tone and invigorate every organ of the body, soothe and strengthen the nerves and transform broken down men and women into strong, healthy, vigorous individuals. Write for a free trial. You find this isn't so, you get your money back. \$1.00 per box, 6 boxes (with guarantee), \$5.00. Free trial. Write for it.'

Life Saved by Swamp-Root advertisement with text: 'The Great Kidney, Liver and Bladder Remedy. Sample Bottle Sent Free by Mail. Swamp-Root, discovered by the eminent kidney and bladder specialist, promptly cures kidney, liver, bladder and uric acid troubles. Some of the early symptoms of weak kidneys are pain or heaviness in the back, nervousness, dizziness, headache, nervousness, catarrh of the bladder, gravel or calculus, bloating, sallow complexion, puffy or dark circles under the eyes, suppression of urine, or compelled to pass water often day and night. The mild and extraordinary effect of Dr. Kilmer's Swamp-Root is soon realized. It stands the highest for its wonderful cures of the most distressing cases. If you need a medicine you should have the best. Swamp-Root is not recommended for everything, but if you have kidney, liver, bladder, or uric acid troubles you will find it just the remedy you need. Sold by druggists in fifty-cent and one-dollar sizes. You may have a sample bottle of Dr. Kilmer's Swamp-Root and a pamphlet that tells all about it, including many of the thousands of letters received from sufferers cured, both sent free by mail. Write Dr. Kilmer & Co., Binghamton, N. Y., and please mention that you read this generous offer in The Omaha Morning News.'

Swaps advertisement with text: 'You have something you don't want - something somebody does want. You want things others have - things they don't want. Get together. Make an exchange. Our want columns will be the medium to accomplish it with dispatch. What do you want? What have you to offer in exchange? Write out a brief exchange ad and send it to The Bee. A sixteen-word want ad will cost you only 25 cents. Better do it now or you may forget.'

Advertisement for a medicine or product with text: 'CURE YOURSELF! Discharge, inflammation, irritations or scrotal eruptions. It is so purchased. Sold by Druggists, or sent in plain wrapper. Write for it. Write for it. Write for it.'